

Exhibit B

D-1-GN-23-006883

BENJAMIN BRODY,
Plaintiff

VS.

ELON MUSK,
Defendant§
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IN DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

459th DISTRICT COURT

ORDER ON PLAINTIFF'S MOTION FOR DISCOVERY

On this day, the Court considered Plaintiffs' Motion for Discovery. The Court finds there is good cause under Section 27.006(b) of the Civil Practice and Remedies Code to permit specified and limited discovery relevant to *Defendant's Motion to Dismiss Plaintiff's Original Petition Under the Texas Citizens Participation Act*. Plaintiffs' Motion is therefore GRANTED IN PART and DENIED IN PART as follows.

1. By March 15, 2024, Defendant must respond to the Requests for Production and Interrogatories set forth in "Exhibit 1" to this Order.¹

2. By April 1, 2024, Defendant must appear for deposition. The deposition shall last no longer than two hours and shall take place via zoom if requested by Defendant. The scope of the deposition shall be limited to the deposition topics set forth in "Exhibit 1" to this Order.

3. The oral hearing on *Defendant's Motion to Dismiss Plaintiff's Original Petition Under the Texas Citizens Participation Act* is reset to April 22, 2024.

Dated February 21, 2024.


PRESIDING JUDGE

¹ Such discovery requests shall be limited to documents and/or information in Defendant's personal possession, custody, and control and shall not create any obligation to search for or produce documents and/or information maintained by, or in the exclusive control of, any companies owned by Defendant.

EXHIBIT 1 TO ORDER ON PLAINTIFF'S MOTION FOR DISCOVERY

DEFINITIONS

“Twitter search” means a query using either the publicly available Twitter search functions, such as those available at <https://twitter.com/search> or <https://twitter.com/search-advanced>, or any reasonably similar method used to search tweets.

“Tweet” means a public post viewable on Twitter.com.

“Tweet engaged by the @elonmusk account” means a tweet in which the @elonmusk account produced an engagement as defined by analytics.twitter.com, *i.e.*, all clicks anywhere on the Tweet (including hashtags, links, avatar, username, and Tweet expansion), but excluding retweets, replies, follows, and likes.

“Tweet viewed by the @elonmusk account” means a tweet in which one or more of the views reflected in the tweet’s view count was generated by the @elonmusk account.

“Web search engine search” means a query on any software system that finds webpages responsive to the query.

REQUESTS FOR PRODUCTION

1. A copy of any internet browser history for June 25-27, 2023 for any web-connected personal devices Defendant used on those dates. For any entries that are not related to the identity of the unmasked brawler, Defendant may apply a redaction that states “Not Related to Case,” while preserving the time and date of those entries.

INTERROGATORIES

1. Identify the search terms for any Twitter searches or web search engine searches performed by Defendant on June 25-27, 2023 relating to the identity of the unmasked brawler at issue.

DEPOSITION TOPICS

1. Any online searches performed by Defendant on June 25-27, 2023 relating to the identity of the unmasked brawler at issue;
2. Any tweets viewed and/or engaged by the @elonmusk account between 8:00pm on June 25, 2023 and 8:22am on June 27, 2023 relating to the identity of the unmasked brawler at issue;
3. Defendant’s knowledge, if any, as to the identity of the “unmasked brawler” at issue; and
4. Defendant’s state of mind at the time the alleged defamatory statement was allegedly published on June 27, 2023.